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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,327	03/09/2001	David Magda Eddy Corynen	BE 000009	7328

24737 7590 11/17/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

HARVEY, DIONNE

ART UNIT	PAPER NUMBER
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2646

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,327

Applicant(s)

CORYNEN, DAVID MAGDA EDDY

Examiner

Dionne N. Harvey

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 8/11/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,590,993, has been reviewed and is accepted. The terminal disclaimer has been recorded.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **“annular strip” of claim 9**, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 and 4** are rejected under 35 U.S.C. 102(e) as being anticipated by **G.E. Warnaka (US 3,247,925)**.

Regarding claim 1, in figure 1, Warnaka teaches a loudspeaker comprising an acoustic panel **11** having a first main surface **12**, and a second main surface **13**;

an electrical exciter **(5-7-8-9)** positioned on the first main surface **12** and arranged on the first main surface, the acoustic panel producing acoustic radiation as a result of bending waves produced, **see column 1, lines 8-10**;

also in **figure 1**, Warnaka teaches a frame member **14** comprising rigid mounts for attaching the acoustic panel **11** thereto, said frame member **14** with it's rigid mounts

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providing some degree damping to the vibration of the panel, which reads on “a tuning element”;

a rigid mount being attached to the second main surface **13** of the acoustic panel **11**, reading on “disposed near the second main surface” and also shown in **figure 1**, frame member **14** encloses the first main surface **12** of the acoustic panel and also encloses the electrical exciter (**5-7-8-9**), thereby reading on “and extending at least partially opposite the exciter”;

and wherein by enclosing the first main surface **12** of the panel, the frame member **14** “form[s] a resonant cavity with the acoustic panel”, as claimed.

Regarding claim 4, **figure 1**, Warnaka teaches that the tuning element **14**, which comprises rigid mounting members, is secured to the acoustic panel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over **G.E. Warnaka (US 3,247,925)**.

Regarding claims 2 and 3, Warnaka teaches that the frame and mounting member, which constitutes a “tuning member”, as claimed, extends at least substantially parallel to the acoustic panel, as shown in **figure 1**. Warnaka fails to teach that the

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tuning element is disc-shaped/annular. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to use rigid mounting members in any variety of shapes and configurations, including disc-shaped or annular, for the purpose of rigidly mounting the acoustic panel thereto, since any reasonably configuration will serve to secure the acoustic panel within the frame member, without significantly damping the vibration of the acoustic panel.

5. **Claims 5,6,10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **G.E. Warnaka (US 3,247,925)** in view of **Lock (US 6,411,723)**.

Regarding claim 5, Warnaka does not clearly teach that the diaphragm is 3-5mm from the tuning element.

In column 5, lines 30-32, Lock teaches a speaker construction wherein the diaphragm **14** is 3-5mm from the tuning element, reading on "characterized in that a shortest distance in the range from 1 to 4 mm exists between the tuning element and the panel." It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Warnaka and Lock, for the purpose of providing a more compact speaker construction mountable in locations where only shallow depth is available.

Regarding claim 6, in **figure 5**, Lock teaches peripheral frame **11**, reading on a "cover" being attached to the rear face of the diaphragm **14** and therefore extending at least substantially parallel thereto; Lock further teaches that the rear face of the peripheral frame is adhesively attached to the rigid panel **28** i.e., tuning member, and is

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therefore integrated therewith. Since the peripheral frame is constructed so as to comprise an open center, it is interpreted as providing an “acoustically transparent cover” for the rear surface of the diaphragm.

Regarding claim 10, Lock teaches that the loudspeaker is characterized by a rear wall 28, which extends at least substantially parallel to the panel, which rear wall forms a cavity with the panel (*see that cavity which is defined between frame 11, acoustic panel 14 and tuning element 28*); illustrated in **figure 6**, Lock teaches that the rear wall may be formed with one or more frequency-tuned apertures **30**.

6. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Warnaka (US 3,247,925)** in view of **Azima (US 6,144,746)**.

Regarding claim 9, Lock does not clearly teach that the panel is connected to the frame with the aid of a soft material connecting means.

In **figure 1**, Azima teaches that a panel form loudspeaker may be supported to a frame by using a connecting means **3**; said connecting means **3** comprising an strip of a soft material and strip being interposed between a circumferential edge portion of the panel **2** and a portion of the frame **1**.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings Lock and Azima, using the peripherally disposed soft-material connection means for mounting the planar speaker within the frame structure, thereby preventing excessive edge movement of the panel form loudspeaker.

Allowable Subject Matter

7. Considering the Terminal Disclaimer filed 8/11/2005, Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

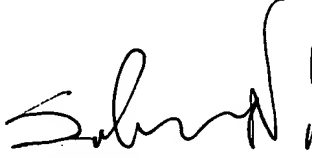
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N. Harvey whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dionne Harvey


SUHAN N
PRIMARY EXAMINER